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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,439	01/19/2001	Robert Betros	DISC1120	7164
30542	7590	07/29/2005		
FOLEY & LARDNER P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER LIN, KELVIN Y	
			ART UNIT 2142	PAPER NUMBER
DATE MAILED: 07/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,439

Applicant(s)

BETROS ET AL.

Examiner

Kelvin Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Withdrawal of Finality of Last Office Action

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

Application's argue with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-17, and 19-21 are rejected under 35 USC 102(e) as being anticipated by Webb et al., (US Patent No. 6880010).
2. Regarding claim 1, Webb teaches a method of maintaining two-way

asynchronous communication between a client and a web server using a single HTTP transaction (Webb, Fig.1) , comprising:

- communicating an HTTP request from the client to the we server, wherein the HTTP request is configured to initialize a CGI that operates within or in conjunction with the web server (Webb, col. 4, l. 24-34); and
 - executing operations associated with the CGI, wherein the operation are configured to perform the two-way asynchronous communication with the client until terminated by the client or the CGI (Webb, col.4, l.14-23, col.6, l.41-47, in which API corresponds to CGI) .
3. Regarding claim 2, Webb further discloses the method of claim 1, wherein executing operations includes receiving and processing data from the client. (Webb, col. 4, l.14-47).
 4. Regarding claim 3, Webb further discloses the method of claim 2, wherein the data is compliant with the HTTP protocol or a protocol other than HTTP. (Webb, col. 4, l.27-30).
 5. Regarding claim 4, Webb further discloses the method of claim 1, wherein executing operations includes creating and communicating data from the CGI to the client. (Webb, Fig. 3, component 122 ,and 124, col. 4, l. 14-17).
 6. Regarding claim 5, Webb further discloses the method of claim 4, wherein the data is compliant with HTTP Protocol or a protocol other than HTTP

from the CGI to the client (Webb, Fig. 3, Webb, col. 4, l.27-30).

7. Regarding claim 6, Webb further discloses the method of claim 1, wherein the client includes client-side logic configured to perform the two-way asynchronous communication with the CGI. (Webb, col. 2, l.3-29).
8. Regarding claim 7, Webb further discloses the method of claim 6, wherein the client-side logic is pre-installed on the client (Webb, col. 4, l.16-17, in which the client application corresponds to the client-side logic pre-installed on the client).
9. Regarding claim 8, Webb further discloses the method of claim 6, wherein the client-side logic is dynamically delivered to the client from the web server (Webb, col. 4, l.46-55, in which the formatted updated host screen information is transmitted to the client application corresponds to the dynamically delivered to the client from the web server).
10. Regarding claims 9-16, for claiming system have similar limitations as claims 1 and 8 for claiming method. Therefore, claims 9-16 are rejected for the same reasons set forth in the rejection of claims 1 and 8.
11. Regarding claim 17, Webb further discloses the system of claim 16, Wherein the client-side logic is delivered in the form of a Java applet (Webb, col. 4, l.65-66).
12. Regarding claim 19, Webb further discloses the system of claim 9, Wherein the CGI is a servlet (Webb, col. 4, l.67, col.5, l.1-11, in which the server embedded the applet notification code in the formatted updated

host information corresponds to the function of servlet).

13. Regarding claim 20, for claiming the method for maintaining two-way asynchronous has similar limitations as claims 1-8. Therefore, Claim 20 is rejected for the same reasons set forth in the rejection of claims 1-8.
14. Regarding claim 21, for claiming the system for maintaining two-way asynchronous has similar limitations as claims 1-8. Therefore, Claim 21 is rejected for the same reasons set forth in the rejection of claims 1-8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 18 is rejected under 35 U.S.C 103(a) as being unpatentable over Webb in view of Reisman (US Patent 6611862).
16. Regarding claims 18, Webb teaches how to update the host screen Page information including audio information, and display information, or the like (Webb, col.5, l.55-58) but fail to teach the multimedia in specific. However, Reisman teaches the client-side multimedia applications and can be delivered in the form of movie (Reisman, col 31, l. 32-44). With the client/server environment using HTML, which is the same language

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implemented at Webb screen updating. Also, the application that have implemented on client side using applet and servlet on the server side for the application are the same as on Webb (Webb, col. 4, l.65-66).

Therefore, It would have been obvious to one of ordinary skill in art at the time the invention was made to combine the teachings of Reisman multimedia application with Webb's host page screen request for multimedia application at client side.

The motivation would be for a suggestion from Reisman to have the information with multimedia application or the like at client side (Webb, col.5, l.55-58) will enhance the system more efficiently, as taught by Dan.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07/26/05
KYL



KAMINI SHAH
PRIMARY EXAMINER